

VERMONT LABOR RELATIONS BOARD

NEW ENGLAND POLICE BENEVOLENT ASSOCIATION)	
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and)	
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AFSCME COUNCIL 93, LOCAL 1201)	DOCKET NO. 19-14
)	
and)	
)	
TOWN OF FAIR HAVEN)	

ORDER

On April 3, 2019, the New England Police Benevolent Association (“NEPBA”) filed a Petition for Election of Collective Bargaining Representative seeking to represent all full-time and regularly scheduled part-time police officers and dispatchers employed by the Town of Fair Haven Police Department, excluding the Chief of Police. The NEPBA proposed removing police department employees from an existing bargaining unit with other Town of Fair Haven employees represented by AFSCME Council 93, Local 1201 (“AFSCME”), and proposed representing them in a separate bargaining unit. The Employer and AFSCME are parties to a collective bargaining agreement covering Town of Fair Haven employees in the existing bargaining unit that is effective July 1, 2016, through June 30, 2019.

In response to the petition, AFSCME disclaimed interest in representing the police department employees in the petitioned-for unit. AFSCME indicated that it retained interest in representing employees in the remaining portion of the current bargaining unit that is not the subject of the petition. The Employer raised unit determination questions in response to the petition, specifically asserting that there is not a dispatcher employed in the Police Department and objecting to the inclusion of part-time police officers in the proposed bargaining unit. The NEPBA and the Employer subsequently resolved the unit determination issues and agreed to the conducting of an election among all full-time police officers, excluding the Chief of Police, to determine whether they desire to be represented for exclusive bargaining purposes by the NEPBA.

On May 29, 2019, Labor Relations Board Executive Director Timothy Noonan conducted an election among the eligible Fair Haven Police Department employees in the Selectboard

Conference Room, Town of Fair Haven Municipal Building, North Park Place, Fair Haven, Vermont. Neither the NEPBA nor the Employer had an observer during the balloting.

Employees were asked in the election whether they desire to be represented for exclusive bargaining purposes by the New England Police Benevolent Association. There were two employees eligible to vote in the election. The results of the election were:

Yes 2

No 0

As a result of the May 29 election in this matter, it is ordered:

1) All full-time police officers employed by the Town of Fair Haven Police Department, excluding the Chief of Police, are removed from the existing bargaining unit with other Town of Fair Haven employees represented by AFSCME Council 93, Local 1201, and are placed in their own separate bargaining unit effective July 1, 2019;

2) AFSCME Council 93, Local 1201, is decertified as the exclusive bargaining representative of all full-time police officers employed by the Town of Fair Haven Police Department, excluding the Chief of Police, effective July 1, 2019;

3) The New England Police Benevolent Association is certified as the exclusive bargaining representative of all full-time police officers employed by the Town of Fair Haven Police Department, excluding the Chief of Police, effective July 1, 2019: and

4) AFSCME Council 93, Local 1201, remains certified as the exclusive bargaining representative of employees in the existing bargaining unit of Town of Fair Haven employees, excluding the Police Department employee who are placed in their own bargaining unit and represented by the New England Police Benevolent Association, effective July 1, 2019

Dated this 10th day of June 2019, at Montpelier, Vermont.

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/s/ Richard W. Park

By: Richard W. Park, Chairperson